



August 30, 2023

Family, Children and Adult Services Manual Transmittal Letter No. 527

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Revision of Ohio Administrative Code Rule 5101:2-42-60

This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-42-60 regarding children in substitute care as a result of the five-year review process. The rule will be effective September 15, 2023.

The following is a brief explanation of the changes:

OAC rule 5101:2-42-60 entitled **Placement services for infants of incarcerated mothers** outlines public children services agency (PCSA) requirements for providing placement services to incarcerated mothers. A minor revision was made to the rule to remove the form revision date.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Social Services	OAC 5101:2-42-60	OAC 5101:2-42-60
Transmittal Letters		FCASMTL No. 527

5101:2-42-60

Placement services for infants of incarcerated mothers.

- (A) Public children services agencies (PCSA) are responsible for establishing policies and procedures for service coordination with correctional facilities and hospitals on behalf of infants born to women who are incarcerated.
- (B) Upon notification by the correctional facility that postnatal services will be needed, the PCSA in the county in which the woman was a resident at the time of incarceration, or if not an Ohio resident, the PCSA in the county in which the woman was charged or sentenced shall:
- (1) Conduct an assessment of the person or persons recommended by the incarcerated woman and provide a copy of the recommendation of approval or non-approval to the correctional facility.
 - (a) In the case of the child's father, the PCSA shall conduct a parent assessment in accordance with agency policy.
 - (b) In the case of a relative or non-relative caregiver, the PCSA shall conduct a home assessment in accordance with rule 5101:2-42-18 of the Administrative Code.
 - (2) Coordinate with the local children services agency in another state to request a home assessment, when the proposed relative or non-relative caregiver lives out-of-state.
 - (3) Obtain temporary custody of the infant by execution of the JFS 01645 "Agreement for Temporary Custody of Child" (~~rev. 4/2006~~) in accordance with rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code or by court order if:
 - (a) The infant is not remaining with the mother as part of a prison nursery program;
 - (b) The incarcerated woman has not recommended a caregiver; or
 - (c) The home assessment conducted pursuant to paragraph (B)(1) of this rule does not recommend approval of the caregiver.
 - (4) Assist the incarcerated mother, if the mother chooses a private child placing agency (PCPA) or Ohio attorney to participate in the planning for her infant by:
 - (a) Advising the incarcerated woman that any out-of-state placements through a PCPA or Ohio attorney shall be coordinated with the Ohio interstate compact on the placement of children (ICPC) office in accordance with Chapter 5101:2-52 of the Administrative Code.

- (b) Contacting the PCPA or Ohio attorney to assure that a plan has been completed.
- (C) When the PCSA of jurisdiction is not located in the county in which the infant is hospitalized, and due to circumstances beyond the PCSA's control, the PCSA is unable to obtain custody and care of an infant requiring immediate placement, the PCSA in the county in which the infant is hospitalized shall:
 - (1) Obtain temporary custody of the infant by execution of the JFS 01645 in accordance with rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code or by court order.
 - (2) Secure the infant's release from the hospital and place the infant in an appropriate substitute care setting.
 - (3) Advise the PCSA of jurisdiction, as identified in paragraph (B) of this rule, of the action taken and the child's ongoing need for care.
- (D) Upon notification, the PCSA of jurisdiction shall arrange for care and custody of the child.
- (E) The PCSA which holds custody of the infant is responsible for costs of medical care and services to the infant, commencing at the time of the infant's birth if other financial resources are insufficient or do not exist. If a local PCSA obtained temporary custody of the infant in accordance with paragraph (C) of this rule, the PCSA of jurisdiction shall reimburse the local PCSA for all its actual costs.
- (F) The PCSA of jurisdiction and the local PCSA shall act in a timely manner in coordinating the transfer of custody and reimbursement costs.

Effective: 9/15/2023

Five Year Review (FYR) Dates: 6/23/2023 and 09/15/2028

CERTIFIED ELECTRONICALLY

Certification

08/28/2023

Date

Promulgated Under: 119.03

Statutory Authority: 5153.16

Rule Amplifies: 5153.16

Prior Effective Dates: 10/01/1985 (Emer.), 12/23/1985 (Emer.), 01/02/1986,
02/01/2003, 04/20/2008, 05/10/2014, 06/01/2016